

Remarks

Claims 1, 2, 4, 6-12, 18, 20, 22-28, and 34-41 are currently pending in the above-captioned matter. Claims 1, 9, 11, 18, 25, 27, 35 and 37 have been amended. After entry of this amendment, claims 1, 2, 4, 6-12, 18, 20, 22-28, and 34-41 are pending. Remarks made herein are based on the claims as amended hereby.

The Examiner's indication that claims 11, 22 and 27 contain allowable subject matter is respectfully acknowledged. As suggested by the Examiner, independent claim 1 has been amended to incorporate all limitations of claim 11 and any intervening claims. Likewise, independent claim 18 has been amended to incorporate all limitations of claim 27 and any intervening claims. Accordingly, Applicants submit that claims 1 and 18, and the claims depending therefrom are allowable. An indication of allowability for these claims is respectfully requested.

35 U.S.C. §102 Rejections

Claims 1, 2, 4, 7, 9, 10, 12, 18, 20, 23, 25, 26, 28, 34-36, and 38-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Batdorf U.S. 4,347,285 (the '285 reference). This rejection is hereby traversed. With regard to independent claims 1 and 18, and the claims depending therefrom, the Examiner's attention is directed to paragraph 2 of the Remarks.

With regard to independent claim 35, Batdorf is directed to aqueous silicate compositions which react with divalent metal compounds to form hard, substantially fire-retardant coatings. The composition relied upon by the Examiner in Example 1 calls for a curable aqueous silicate composition comprising a zinc stearate. Batdorf teaches zinc stearate as a thickener or anti-settling agent in amounts of less than 1% by weight of Part A, see Batdorf, col. 12, lines 34-45.

Claim 35 recites: "at least one lubricating component, in an amount of 5 to 85 wt% based on the total mass of alkali silicate and lubricating component, selected from

among oils, soaps, metallic soaps, waxes, and polytetrafluoroethylenes;". Batdorf's amount of zinc stearate neither teaches nor suggests the lubricating component or amounts thereof of claim 35 and its dependent claims.

Independent claim 35 also recites: "at least one viscosity modifier in an amount of 1 to 10 wt% based on the total mass of alkali silicate and lubricating component comprising at least one inorganic thickener selected from the group consisting of finely powdered silica, bentonite, kaolin, and synthetic hectorite" This feature is likewise neither taught nor suggested by Batdorf.

The rejection of claims 1, 2, 4, 7, 9, 10, 12, 18, 20, 23, 25, 26, 28, 34-36, and 38-40 under 35 U.S.C. 102(b) as being anticipated by Batdorf U.S. 4,347,285 should be withdrawn.

### 35 U.S.C. §103 Rejections

Claims 1-2, 4, 8-10, 18, 20, 24-26, 35-36, and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grantham et al. U.S. 6,821,631 (the '631 reference). This rejection is hereby traversed. With regard to independent claims 1 and 18, and the claims depending therefrom, the Examiner's attention is directed to paragraph 2 of the Remarks.

With regard to independent claim 35, Grantham is directed to coatings for wood and states: "Examples of suitable rheology modifiers include, but are not limited to, thickening agents including cellulosic agents, such as hydroxymethyl cellulose and carboxymethyl cellulose; byproducts from the manufacture of paper, such as lignum, lignin, and culmonol; acrylic thickeners, such as alkali swellable latexes; natural gums, such as xanthan and guar; and acrylamide-based thickeners." Grantham, col. 7, lines 10-21. Notably each of the cited rheology modifiers is an **organic** composition.

Independent claim 35 recites: "at least one viscosity modifier in an amount of 1 to 10 wt% based on the total mass of alkali silicate and lubricating component comprising at least one inorganic thickener selected from the group consisting of finely

powdered silica, bentonite, kaolin, and synthetic hectorite" This feature is neither taught nor suggested by Grantham, nor is there any motivation provided to modify the reference by replacing the organic thickeners with finely powdered silica, bentonite, kaolin, or synthetic hectorite as claimed by Applicants. The rejection of claims 1-2, 4, 8-10, 18, 20, 24-26, 35-36, and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grantham et al. U.S. 6,821,631 should be withdrawn.

Claims 35, 37, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leah et al. U.S. 4,227,932 (the '932 reference). This rejection is hereby traversed. Claim 35, and the claims depending therefrom, recite: "at least one lubricating component, in an amount of 5 to 85 wt% based on the total mass of alkali silicate and lubricating component, selected from among oils, soaps, metallic soaps, waxes, and polytetrafluoroethylenes;". Leah's amount of oil is limited to up to 2wt%, see Leah, col. 5, line 41-43. The oil's purpose is to insulate the coated particles from water for storage rather than to provide lubrication, as such there is no motivation to modify the reference to add more oil. Leah neither teaches nor suggests the amount of oil recited in claim 35 and its dependent claims.

The rejection of claims 35, 37, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leah et al. U.S. 4,227,932 should be withdrawn.

Claims 1, 4, 6, 10, 35-36, and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lagerwaard et al. U.S. 5,069,809 (the '809 reference). This rejection is hereby traversed. With regard to independent claims 1 and 18, and the claims depending therefrom, the Examiner's attention is directed to paragraph 2 of the Remarks.

With regard to independent claim 35, and its dependent claims, Lagerwaard is directed to an enzymatic detergent and bleaching composition comprising as essential ingredients a lipolytic enzyme and a bleaching system. Lagerwaard, col. 1, lines 8-10. The Examiner relies on Lagerwaard's Example 1 which recites sodium stearate in an amount of 1wt% of the detergent composition. The reference is silent as to the purpose

of adding the sodium stearate.

Claim 35 recites: "at least one lubricating component, in an amount of 5 to 85 wt% based on the total mass of alkali silicate and lubricating component, selected from among oils, soaps, metallic soaps, waxes, and polytetrafluoroethylenes;". Lagerwaard's amount of sodium stearate neither teaches nor suggests the lubricating component or amounts thereof of claim 35 and its dependent claims.

Independent claim 35 also recites: "at least one viscosity modifier in an amount of 1 to 10 wt% based on the total mass of alkali silicate and lubricating component comprising at least one inorganic thickener selected from the group consisting of finely powdered silica, bentonite, kaolin, and synthetic hectorite" This feature is likewise neither taught nor suggested by Lagerwaard. The rejection of claims 1, 4, 6, 10, 35-36, and 39-41 under 35 U.S.C. 103(a) as being unpatentable over Lagerwaard et al. U.S. 5,069,809 should be withdrawn.

Conclusion

Applicants request reconsideration in view of the amendments and remarks contained herein. Applicants submit that the claims are in condition for allowance and a notice to that effect is respectfully requested. Should the Examiner have any questions regarding this paper, please contact the undersigned

Respectfully submitted,

/Mary K. Cameron/  
Mary K. Cameron  
(Reg. No. 34,789)  
Attorney for Applicants  
248-589-4672

Henkel of America  
Law Department  
1001 Trout Brook Crossing  
Rocky Hill, CT 06067